UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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WNET, THIRTEEN, FOX TELEVISION)	
STATIONS, INC., TWENTIETH CENTURY)	
FOX FILM CORPORATION, WPIX, INC.,)	
UNIVISION TELEVISION GROUP, INC., THE)	ECF Case
UNIVISION NETWORK LIMITED)	
PARTNERSHIP, and PUBLIC)	
BROADCASTING SERVICE,)	Case No. 12-civ-1543
)	
Plaintiffs,)	[Related Case No. 12-civ-1540]
)	
V.)	
)	
AEREO, INC. f/k/a BAMBOOM LABS, INC.,)	
)	
Defendant.)	
)	
)	

<u>DECLARATION OF ERIC MEYROWITZ IN SUPPORT OF</u> <u>PLAINTIFFS' OPPOSITION TO AEREO'S SUMMARY JUDGMENT MOTION</u>

<u>DECLARATION OF ERIC MEYROWITZ IN SUPPORT OF</u> PLAINTIFFS' OPPOSITION TO AEREO'S SUMMARY JUDGMENT MOTION

I, Eric Meyrowitz, hereby declare as follows:

- 1. I am Vice President and General Manager of WPIX, LLC ("WPIX"), successor to WPIX, Inc., a plaintiff in this action. I make this declaration based on my personal knowledge and my knowledge of the television industry, in which I have worked for 22 years. If called upon to do so, I could and would testify competently to the matters set forth herein.
- 2. WPIX is a television broadcast station in New York City and is currently the CW Network affiliate in the New York market. WPIX produces or licenses a wide variety of news, sports and entertainment programming (WPIX's "Content") and has been broadcasting its content to viewers in the New York area since 1948.
- 3. For purposes of this lawsuit, WPIX provided Aereo with advanced notices of copyright infringement for three of its live news programs and applied for copyright registrations for these three programs. The copyright applications are attached as **Exhibit A**.
- 4. WPIX's content is available over the airwaves on WPIX-TV (channel 11), which is owned by Tribune Broadcasting Company, LLC ("Tribune"). WPIX also makes its programming available to consumers who receive their television through paid subscriptions to cable, telco and satellite television distributors (sometimes called multichannel video programming distributors or "MVPDs"). Tribune grants MVPDs the right to retransmit WPIX's broadcast signal to subscribers (also known as "retransmission consent"). Tribune charges MVPDs license fees and/or other consideration in exchange for granting this retransmission consent. When Tribune charges retransmission consent fees to an MVPD, those fees generally are calculated based on the number of an MVPD's paying subscribers who receive WPIX as part of their programming package.

- 5. WPIX also makes its live news programs, as well as individual news stories, available to consumers on its website, www.pix11.com, on a streaming basis. WPIX collects revenues from advertising on the website.
- 6. WPIX has never authorized Aereo to copy, retransmit, or otherwise exploit its content in any way whatsoever. WPIX has never, and would never, license a third party the right to copy the WPIX Content in aid of an unlicensed, unauthorized service that streams WPIX over the Internet.

I declare under penalty of perjury under the laws of New York and the United States that the foregoing is true and correct.

Executed this ____ day of June, 2013 at New York, New York.

Eric Meyrowitz

Exhibit A

Illustrative Copyright Registrations

No.	Program Title	Broadcast	Copyright	Registration	Broadcast
		Date	Owner		Station
1.	PIX News at 4AM	03/14/12	WPIX, Inc.	Pending	WPIX
2.	PIX News at 4AM	03/15/12	WPIX, Inc.	Pending	WPIX
3.	PIX News at 4AM	03/16/12	WPIX, Inc.	Pending	WPIX
4.	PIX News at 5	03/14/12	WPIX, Inc.	Pending	WPIX
5.	PIX News at 5	03/15/12	WPIX, Inc.	Pending	WPIX
6.	PIX News at 5	03/16/12	WPIX, Inc.	Pending	WPIX
7.	PIX News at 10	03/14/12	WPIX, Inc.	Pending	WPIX
8.	PIX News at 10	03/15/12	WPIX, Inc.	Pending	WPIX
9.	PIX News at 10	03/16/12	WPIX, Inc.	Pending	WPIX

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

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